

STATEMENT OF PURPOSE

RS21115C1

This legislation would clarify that floodplain zoning ordinances shall not regulate necessary and lawful activities in irrigation and drainage facilities, that such facilities are not "floodways", and that such necessary and lawful activities are not "development".

Under the legislation, the term "development" does not include changes to real estate within the right-of-way of any ditch, canal, lateral, drain, diversion structure, pipeline, hydropower facility or other irrigation, drainage or hydropower works that are performed or authorized by the owner for water delivery, drainage or hydropower purposes pursuant to lawful rights and obligations. The irrigation and drainage activities exempted from the definition of "development" include construction, reconstruction, operation, cleaning, repair, replacement or improvement of any ditch, canal, drain, diversion structure or other irrigation or drainage works that is performed or authorized by the owner pursuant to lawful rights and obligations.

The legislation also clarifies that ditches, canals, laterals and drains that are constructed and used for irrigation or drainage purposes are not floodways.

The legislation expressly exempts the activities mentioned above from regulation under floodplain zoning ordinances.

The legislation also contains an emergency clause.

FISCAL NOTE

This legislation has no fiscal impact.

Contact:

Name: Norman M. Semanko

Office: Idaho Water Users Association

Phone: (208) 344-6690